

Message Text

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ACTION L-03

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 8130

C O N F I D E N T I A L SAN JOSE 3596

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS

TAGS: PFL CS

SUBJECT: SERVICE OF SUMMONS ON CLOVIS MCALPIN

REF: SAN JOSE 3567; LAZAR LETTER DTD 9/11/74

1. ROBERTO TOVAR, LAWYER ENGAGED TO SERVE SUMMONS ON CLOVIS MCALPIN AND HIS THREE COMPANIES, CALLED THE EMBASSY TODAY TO SAY THAT HE HAD CHECKED THE PUBLIC REGISTRY AND FOUND THAT ONLY NEW PROVIDENCE SECURITIES LTD., S.A., AND CAPITAL GROWTH COMPANY, S.A., APPEAR. THENHATTER COMPANY IS NOT DEFINED IN THE REGISTRY RECORD AS EITHER (COSTA RICA) OR PANAMA) ONLY CAPITAL GROWTH COMPANY, S.A. FURTHERMORE, WITH REGARD TO NEW PROVIDENCE, CLOVIS MCALPIN'S IS THE ONLY OFFICER REGISTERED. CAPITAL GROWTH LISTS SEVERAL OFFICERS AFTER CLOVIS MCALPIN'S NAME, BUT THE RECORD SPECIFIES ONLY MCALPIN AS THE "REPRESENTANTE JUDICIAL." TOVAR'S OPINION IS THAT UNDER THESE CIRCUMSTANCES OF THE REGISTRY RECORD, IN ORDER TO LEGALLY SERVE BOTH COMPANIES, CAPITAL GROWTH AND NEW PROVIDENCE, THE SERVICE MUST BE MADE ON MCALPIN NAME. AS TOVAR ANTICIPATES HE MAY HAVE PROBLEMS LOCATING MCALPIN HE SEES A POSSIBLE PROBLEM IN EFFECTING THE SERVICE ON THE TWO COMPANIES. (OF COURSE, SERVICE ON MCALPIN AS AN INDIVIDUAL IS EXPECTED

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TO PRESENT NO PROBLEM SINCE SERVICE CAN BE MADE ON ANY

RESPONSIBLE MEMBER OF HIS HOUSEHOLD.)

2. TOVAR WILL ATTEMPT TO SERVE MCALPIN ALL THREE SUMMONS AT HIS LACHNER BUILDING OFFICES AT 10:00 A.M., ON SEPTEMBER 18TH. ON SEPTEMBER 19TH OR 20TH TOVAR WILL TRAVEL TO THTI SAN CARLOS VALLEY AND MCALPIN'S FARM IN THE EVENT THE SERVICE AT THE LACHNER BUILDING IS UNSUCCESSFUL.

3. DOES SEC HAVE FURTHER INFORMATION TO INDICATE CAPITAL GROWTH COMPANY, S.A. (PANAMA), IS A COSTE RICAN COMPANY? IF MCALPIN CANNOT BE LOCATED,

WHAT DEVICE DOES THE DEPARTMENT RECOMMEND (IN LIGHT OF SUBPARAGRAPH 3 OF REFLETTER) TO EFFECT SERVICE ON THE TWO COMPANIES?

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